

01/29/2004 02:49:38 PM

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2003 DRAFTING REQUEST**Assembly Amendment (AA-AB400)**Received: **01/29/2004**Received By: **btradewe**Wanted: **Soon**

Identical to LRB:

For: **Terry Musser (608) 266-7461**By/Representing: **David Lovell**This file may be shown to any legislator: **NO**Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - miscellaneous**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Varoius changes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	btradewe 01/29/2004	kgilfoy 01/29/2004	rschluet 01/29/2004	_____	sbasford 01/29/2004	sbasford 01/29/2004	

FE Sent For:

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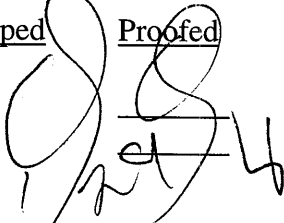
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**ASSEMBLY AMENDMENT ,
TO 2003 ASSEMBLY BILL 400**

1 At the locations indicated, amend the bill as follows:

LEGISLATIVE COUNCIL STAFF PREFATORY NOTE: *2003 Assembly Bill 400* creates wholesale and retail labeling and advertising requirements that apply to wild rice. The requirements relate to: whether the wild rice is grown in the wild or cultivated; whether the wild rice is harvested by traditional methods or is machine harvested; if the product is a blend of wild-grown and cultivated wild rice, the percentage that is wild-grown and the percentage that is cultivated; if the product is a packaged wild rice product, the percentage of the product that is wild rice; and where the wild rice is grown. These requirements are similar, but not identical, to requirements in the Minnesota Statutes.

The *bill* defines "packaged wild rice product" as "a packaged food product that contains wild rice and at least 40% other food products and that is labeled or marketed as a wild rice product or blend". It requires that the labeling of such products identify the percentage of the product that is wild rice. There is not a similar requirement in Minnesota's wild rice labeling statute. Packaged wild rice products (as well as wild rice that is labeled as cultivated or a blend of wild-grown and cultivated) are exempt from the requirement to label machine-harvested wild rice. Apart from that exemption, all of the labeling and advertising requirements of the bill apply to packaged wild rice products.

The *bill* provides an exemption from all of the labeling and advertising requirements for wild rice that is "cooked and ready to eat".

The *bill* requires that the department of agriculture, trade, and consumer protection (DATCP) promulgate rules for implementation of the new requirements.

This *amendment* deletes the requirement that packaged wild rice products be labeled to indicate the percentage of the product that is wild rice. In addition, it exempts packaged wild rice products from the remaining requirements regarding the labeling and advertising of wild rice.

The *amendment* also delays the application of the new labeling and advertising requirements to allow time for rule-making. It also sets a deadline for the DATCP to prepare draft rules.

1 **1.** Page 3, line 13: delete lines 13 to 16.

2 **2.** Page 4, line 3: delete lines 3 and 4 and substitute:

3 “(6) EXCEPTIONS. (a) Subsections (2) to (5) do not apply to packaged wild rice products
4 or to wild rice that is cooked and ready to eat.”.

5 **3.** Page 4, line 6: delete “(2), (3), or (3m)” and substitute “(2) or (3)”.

6 **4.** Page 4, line 8: delete “(3m),”.

7 **5.** Page 4, line 12: after that line insert:

8 “**SECTION 2. Nonstatutory provisions.**

9 (1) INITIAL APPLICABILITY. The treatment of section 97.57 (2) to (6) and (8) of the statutes
10 first applies to wild rice that is sold or offered for sale in this state on the first day of the
11 ~~[12th]~~[19th] month commencing after the effective date of this act.

12 (2) RULES. The department of agriculture, trade, and consumer protection shall submit
13 in proposed form the rules required under section 97.57 (7) of the statutes, as created by this
14 act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first
15 day of the [7th]~~[13th]~~ month commencing after the effective date of this act.”.

NOTE: These provisions offer several options on the time to allow for rule-making and when to begin application of the requirements created by the bill. One option is to allow approximately 6 months for preparation of draft rules and to apply the requirements of the bill 6 months later. Another option is to allow approximately 12 months for preparation of draft rules and to apply the requirements of the bill 6 months later. A third option is to allow approximately 6 months for preparation of draft rules and to apply the requirement of the bill 12 months later, to allow additional time for DATCP to complete the rule-making processors and for wholesalers and retailers to sell their

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- 3 -

WLC: 0240/1

existing inventory of nonconforming products and to change their advertising. Of course, other options are possible, as well.

1

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2058/1

RCT: King

Friday

ASSEMBLY AMENDMENT,
TO 2003 ASSEMBLY BILL 400

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 3, line 13: delete lines 13 to 16.

3 ✓ 2. Page 4, line 3: after "apply to" insert "packaged wild rice products or to".

4 ✓ 3. Page 4, line 6: delete "(2), (3), or (3m)" and substitute "(2) or (3)".

5 ✓ 4. Page 4, line 8: delete "(3m),".

6 ✓ 5. Page 4, line 12: after that line insert:

7 "SECTION 2g. Nonstatutory provisions.

8 (1) PROPOSED RULES. The department of agriculture, trade and consumer
9 protection shall submit in proposed form the rules required under section 97.57 (7)
10 of the statutes, as created by this act, to the legislative council staff under section
11 227.15 (1) of the statutes no later than the first day of the 7th month beginning after
12 the effective date of this subsection.

SECTION 2r. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 97.57 of the statutes takes effect on the first day of the 19th month beginning after publication.”.

(END)